

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>P034049-P0</b>	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. <b>PCT/JP2004/008085</b>	International filing date (day/month/year) <b>03.06.2004</b>	Priority date (day/month/year) <b>04.06.2003</b>	
International Patent Classification (IPC) or national classification and IPC <b>G06F17/30, G06F17/60, G11B27/00</b>			
Applicant <b>MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. et al.</b>			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 17 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 34 sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I      Basis of the opinion</p> <p><input type="checkbox"/> Box No. II      Priority</p> <p><input type="checkbox"/> Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV      Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI      Certain documents cited</p> <p><input type="checkbox"/> Box No. VII      Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII      Certain observations on the international application</p>			
Date of submission of the demand  <b>04.04.2005</b>		Date of completion of this report  <b>05.09.2005</b>	
Name and mailing address of the international preliminary examining authority:  <div style="display: flex; align-items: center;"> <div>             European Patent Office              D-80298 Munich              Tel. +49 89 2399 - 0 Tx: 523656 epmu d              Fax: +49 89 2399 - 4465           </div> </div>		Authorized Officer  <b>Laurentowski, A</b>  Telephone No. +49 89 2399-6039	



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/JP2004/008085

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1, 2, 4-41 as originally filed  
3, 3a, 42-55, 55a received on 07.04.2005 with letter of 04.04.2005

**Claims, Numbers**

1-34 received on 07.04.2005 with letter of 04.04.2005

**Drawings, Sheets**

1/14-14/14 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☒ the description, pages 3, 3/1, 42-55, 55/1
  - ☒ the claims, Nos. 1-34
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/JP2004/008085

**Box No. IV Lack of unity of invention**

1. ☒ In response to the invitation to restrict or pay additional fees, the applicant has:
- ☐ restricted the claims.
  - ☒ paid additional fees.
  - ☐ paid additional fees under protest.
  - ☐ neither restricted nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
  - ☒ not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
  - ☐ the parts relating to claims Nos. .

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	4, 11, 14, 15, 18, 20, 21, 23-28
	No: Claims	1-3, 5-10, 12, 13, 16, 17, 19, 22, 29-31
Inventive step (IS)	Yes: Claims	
	No: Claims	1-31
Industrial applicability (IA)	Yes: Claims	1-31
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**I Objections under Article 34(2)(b) PCT**

- 1 The present set of claims introduces subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT.

The applicant has not provided a true and clear basis for the amended claims and description.

No basis for said amendments was evident in the application as filed either.

By way of example, some of the amendments concerned are the following:

- a) For claims 1 and 24 (and its respective dependent claims) the very broad terms: "using device", "device uses an object", and/or "object used by the using device";
- b) For claims 2, 8, 18, 24, 32, 33 and 34 (and their respective dependent claims, if any) the very broad term: "using device";
- c) For claim 14 (and its respective dependent claims) the very broad term: "using unit" and the entire wording appearing to describe an undisclosed embodiment;
- d) For claim 18 (and its respective dependent claims) the very broad terms: "using unit" and "object used by the using unit";
- e) For claims 16 and 21 the broad term "recording medium assigned to the object";
- f) For claim 8 the broad term "portable recording medium";
- g) For claims 26 and 28 particularly the term "distinguishable form";
- h) The wording of claims 7, 13 and 19 (in particular the last three lines).

- 2 Due to the aforementioned reasons, the International Preliminary Examining Authority **could not accept the amendments filed under Art.34 PCT and has to proceed with the application documents as originally filed.**

**Re Item IV.**

**Lack of unity of invention**

This International Preliminary Examining Authority agrees with the findings of the International Searching Authority who found multiple (groups of) alleged inventions in this international application, as follows.

1. Claims 1-9, 12, 17-20, 22-24, 28-31

The first group of claims appears to describe a system comprising devices for storing identifiers and additional information (attributes) of objects used by a user, and for generating and presenting information about said objects, basing on the said object identifiers. Multiple independent claims present in this group seem to describe various embodiments of the same alleged invention.

The problem to be solved by the subject matter of these claims seems to be how to provide means for storing, presenting and searching information about a collection of products used or purchased by a user (in particular movies or other multimedia contents items), said means being convenient in usage.

2. Claims 10,11

The second group of claims appears to describe a device comprising a media contents playback unit, enabled to read a contents item's identifier while playing back the media from a recording medium storing the media contents item, and to store the said identifier as an identifier of an object used by a user.

The problem to be solved by the subject matter of these claims seems to be how to provide a device for automatic immediate acquisition of multimedia contents identifiers (e.g. movie identifiers); guaranteeing that only the identifiers of contents items which the user has actually started using (playing) are stored.

3. Claims 13-16, 25-27

The third group of claims appears to describe a device comprising a reading unit, enabled to read identifiers of objects used by a user from a medium attached to the object (said medium being for example an RFID tag or a two-dimensional code).

The problem to be solved by the subject matter of these claims seems to be how to provide a device for automatic acquisition of identifiers of physical products, without having to input any data manually.

4. Claim 21

The claim in the fourth group appears to describe a device storing position information

and advertisement information, enabled to acquire the current position of a portable user terminal and to generate appropriate advertisement information on that basis for presentation to the user.

The problem to be solved by the subject matter of this claim seems to be how to provide a device for generating customised advertisement information for users of mobile portable data retrieval equipment, to achieve that the advertisement information is relevant to the current physical location of the user and its portable equipment.

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The common features of the claims in the four groups defined above are as follows:

A management device comprising: (1) a storage unit operable to store one or more use object identifiers, each use object identifier identifying an object that has been used by a user; (2) a presentation-information generating unit operable to generate presentation information based on the use object identifiers; and (3) an outputting unit operable to output the presentation information.

All these common features have been very well known in the art at the priority date, e.g. from the popular PC shareware programs for cataloguing and managing video media collections like CATVids from fnprg.com or VideoList from WakefieldSoft or e.g. from any of following documents (each one taken separately): WO0054187-A1 (see p.4 l.15 - p.5 l.16, p.16 l.1-7, p.7 l.29 - p.8 l.20, p.12 l.19-23, p.19 l.21 - p.20 l.4, p.24 l.3-8 and p.24 l.20 - p.25 l.12, fig.9) or US20020059120 (see abstract, paragraphs: 5, 23-24, 34-35, 41-45, 65-74) or EP1079387-A (see abstract, paragraphs: 1-27, fig.1).

Since all the said common features are known and the aforementioned four different groups of claims are directed to the solution of different problems, these three different groups of claims are neither linked by the same or corresponding special technical features nor is there a single inventive concept in the claims, and thus the claims lack unity of invention (Rule 13 PCT).

**Re Item V.**

1 The following documents are referred to in this report:

- D1: ANONYMOUS: "CATVids version 5" WWW.FNPRG.COM, [Online] 2 April 2003 (2003-04-02), pages 1-8, XP002298249 Retrieved from the Internet:  
URL:<http://web.archive.org/web/20030402004010/www.fnprg.com/catvids/catvids.html>> [retrieved on 2004-09-22]
- D2: US 2002/059120 A1 (MILTON JAMES K) 16 May 2002 (2002-05-16)
- D3: ANONYMOUS: "VideoList" WWW.WAKEFIELDISOFT.COM, [Online] 11 April 2003 (2003-04-11), pages 1-6, XP002311285 Retrieved from the Internet:  
URL:[http://web.archive.org/web/20030411213107/http://www.wakefieldsoft.com/video list/](http://web.archive.org/web/20030411213107/http://www.wakefieldsoft.com/video%20list/)> [retrieved on 2004-12-09]
- D4: EP-A-1 079 387 (MATSUSHITA ELECTRIC IND CO LTD) 28 February 2001 (2001-02-28)
- D5: US-A-5 979 757 (MURRAH JUDITH ET AL) 9 November 1999 (1999-11-09)
- D6: ASTHANA A-ET AL: "A small domain communications system for personalized shopping assistance" IEEE INTERNATIONAL CONFERENCE ON PERSONAL WIRELESS COMMUNICATIONS, 1994, BANGALORE, INDIA 18-19 AUG. 1994, NEW YORK, NY, USA, IEEE, 18 August 1994 (1994-08-18), pages 199-203, XP010211467 ISBN: 0-7803-1996-6
- D7: US-A-6 065 006 (MOBINI AMIR M ET AL) 16 May 2000 (2000-05-16)
- D8: EP-A-0 872 835 (SONY ELECTRONICS INC) 21 October 1998 (1998-10-21)
- D9: WO0054187 A1 (ROCK COM INC.) 14 September 2000 (2000-09-14)

**2 OBJECTIONS UNDER ARTICLE 6 PCT**

2.1 The present claims do not meet the requirements of Article 6 PCT with regards to clarity and full support by the description due to:

a) vague and unclear wording, e.g.:

- "pieces of attribute information each showing attributes of a corresponding one of the plurality of objects, in association" (How corresponding? In association with what? How are correspondence and association defined/established?) of claims 3, 6;
- the current wording of claims 7, 12, 16 is unclear to the extent hindering any reasonable understanding of the claimed subject matter;

b) attempts to define the subject-matter in terms of the result to be achieved, without providing the technical features necessary for achieving this result, e.g.:

"unit operable to generate presentation information based on the use object identifiers" (what is/are the technical meaning/features of "generating (...) based on (...) identifiers"? how are the "use object identifiers" used to generate said information? what are the features of the "presentation information"?) of claims 1-3, 19, 22, 28-31 and, in consequence, of all their dependent claims.

c) the wording of claims 1-3, 19, 22 and 28-31, elaborated above under point b), is not fully supported by the description, contrary to the requirements of Article 6 PCT, as no embodiment of "generating presentation information based on the use object identifiers" is present in the description as filed (cf. p.13 l.23 - p.14 l.5).

2.2 Due to the abovementioned reasons, the claimed subject-matter is unclear. Hence, the examination as to the requirements of Article 33(1) PCT is based on the examiner's interpretation of what is claimed, based on the application as a whole.

### 3 INDEPENDENT CLAIM 1

3.1 The above-mentioned lack of clarity and support notwithstanding, the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT, and therefore the criteria of Article 33(1) PCT are not met.



Insofar as this claim can be understood, document D2 shows all the features thereof, as follows (the references in parentheses applying to this document):

An information presentation system (see §21-§22) comprising:

- a) a storage unit (the Media Access Provider 140 storing the virtual inventory units 500 per each registered user - see §5, §21, §23 last 10 lines, §34-§36, §71), operable to store one or more object identifiers (the content handle 510 or unit number 530 or media content title - see §41-§45, fig.5), each object identifier identifying an object that has been used by a user (cf. §5, §21, §23 last 10 lines, §34-§35, §41-§42, §71);
- b) a presentation-information generating unit (the Media Content Owner 160 and/or the Media Access Provider software application - see §36, §70) operable to generate presentation information (virtual inventory units and/or input information for user devices enabling them to display media content information 540 and media contents - see §45, §47 first two lines, §70-74), based on the object identifiers (i.e. based on the contents of virtual inventory units including the aforementioned identifiers - note that "the user selects and requests a media content from his virtual inventory", which implicitly requires usage of content identifiers - cf. §73, fig.3, and note usage of content handle in processing a "content access request" - cf. §42) and output the presentation information (§45 last three lines, §73-74, fig.3); and
- c) a presenting unit that is provided in a portable device, and is operable to acquire and present the presentation information (see §23-§24, §45, §71-74).

3.2 Furthermore, for the sake of completeness and the above-mentioned lack of clarity and support notwithstanding, the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT over the disclosure of other documents, e.g. D9 or D3, either.

Document **D9** describes a system (a universal media player), comprising databases for storing catalogues of media objects (e.g. CD or DVD disks) owned by or accessible to users and a data collector which collects "statistical data about a user's use, (...) a list of purchased music, (...) a history of the user's playback of any of media or selections"

(see p.3 l.12-31, p.4 l.15 - p.5 l.16, p.7 l.29 - p.8 l.2, p.16 l.1-7, p.19 l.21 - p.20 l.4, p.22 l.25 - p.23 l.4, fig.9), whereas identifiers of said media objects (e.g. CD or DVD identifiers) are acquired by reading their contents during playback or by scanning a bar code from their package (cf. p.7 l.29 - p.8 l.20, p.12 l.19-23, p.24 l.3-8 and p.24 l.15 - p.25 l.12). Said system, which may comprise a portable device (a laptop - see p.3 l.21-22) presents media objects' information in a graphical user interface (see p.1 l.25-28, p.3 l.12-31, p.4 l.27- p.5 l.16, p.16 l.1-7, fig.5A ff.).

Document **D3** describes a system (a portable device executing a movie collection inventory programme called VideoList produced by WakefieldSoft LLC), comprising a database storing information (including the "inventory number" identifiers - see figs on p.5, the title, genre, director, actors, etc. per each movie) on films that the user owns, has seen or rented (see p.1 middle column, figures in the right-hand column, p.3 last 4 bullet paragraphs, p.4 last bullet paragraph, p.5). Said device is programmed to acquire said information from the user (see e.g. p.3 bullet paragraph "Fields List") or from a PC (see e.g. p.1 middle column, second paragraph, p.3 first two bullets) and to present it to the user on screen (see e.g. figs. on pp.1, 5, 6 and note also the "Find" feature there and the "Status" flag - see lower half of p.3).

Therefore, all the features of claim 1, insofar as this claim can be understood, are also anticipated by D9 or D3 and thus the criteria of Article 33(1)(2) PCT are not met.

#### **4 INDEPENDENT CLAIM 2**

The above-mentioned lack of clarity and support notwithstanding, the subject-matter of claim 2 is not new in the sense of Article 33(2) PCT, and therefore the criteria of Article 33(1) PCT are not met.

- 4.1 Document D1 describes the functionality of a programme (CATVids version 5.21 released on 07.02.2003 - see p.1 right-hand column, document D1 dated 02.04.2003), suitable to be executed on a "management device" (a computer), for creating and managing a private collection of movies and, insofar as this claim can be understood, this document discloses all the features of claim 2:

- a) a storage unit (the database - see p.1 middle column l.1 or p.2 last bullet paragraph) operable to store one or more use object identifiers (see the "Reference No" being the movie's identifier on the main window snapshot on p.7, or the movie's title as an alternative movie identifier being especially convenient for the user) (...);
- b) a presentation-information generating unit operable to generate presentation information based on the object identifiers (the CATVids program managing the database and generating windows for displaying on the computer's screen together with its module called "HTML Generator" for generating the HTML documents/reports - see p.1 middle column, p.2, main window snapshot on p.7, the "Contents data/Explore" window appearing after pressing the "Explore" button in the main window - see p.3 third bullet paragraph and p.8 for its screenshot); and
- c) an outputting unit (the computer screen displaying the "Contents data/Explore" window - see p.3 third bullet paragraph and p.7-8 for screen shots and/or the outputting/networking interface enabling publishing the documents generated by the HTML Generator "on the Internet" - see the fifth bullet on p.2 counting from the bottom of the page) operable to output the presentation information.

4.2 Furthermore, claim 2 appears to contain merely a subset of the same or corresponding features of claim 1 and, the above-mentioned lack of clarity and support notwithstanding, the subject-matter of claim 2 is not new in the sense of Article 33(2) PCT over the disclosure of documents D2 or D3 or D9 either, for the same reasons as given in §3 above, and thus the criteria of Article 33(1)(2) PCT are not met.

## 5 INDEPENDENT CLAIM 22-

- 5.1 The above-mentioned lack of clarity and support notwithstanding, the subject-matter of claim 22 is not new in the sense of Article 33(2) PCT, over the disclosure of document D5 describing a portable terminal device receiving input from the bar code reader scanning a bar code on a product and presenting a message (the "presentation information") obtained from the "central host" (the "management device") concerning

associated products on the basis of customer's prior purchase record (see D5 col.1 l.22-36, col.3 l.31 - col.4 l.6, col.4 l.39-62, col.7 l.62 - col.8 l.10, col.9 l.6-12, col.14 l.3-24, fig.2-3, fig.7C).

Therefore, all the features of claim 22, insofar as this claim can be understood, are anticipated by D5 and thus the criteria of Article 33(1)(2) PCT are not met.

- 5.2 Furthermore, for the sake of completeness and the above-mentioned lack of clarity and support notwithstanding, the subject-matter of claim 22 does not involve an inventive step in the sense of Article 33(3) PCT, and therefore the criteria of Article 33(1) PCT are not met.

Document D1 can be regarded as being the closest prior art to the subject-matter of claim 22, as the "portable terminal device" of claim 22 is mainly characterised by the features of the "management device" with which it cooperates (cf. above §4).

The only difference between the subject-matter of claim 22 and the disclosure of document D1 is that D1 does not explicitly disclose a portable terminal device receiving and presenting the "presentation information" acquired from the "management device". In other words, D1 does not explicitly disclose accessing the database system of D1 from a portable terminal device.

The problem to be solved by the present invention may therefore be regarded as how to adapt the system of D1 to enable its usage outside the user's normal place of stay (outside user's home - e.g. in a video rental shop).

Usage of portable devices like laptops or PDAs (either storing a copy of the database or equipped with a cable- or wireless network interface to access the database available on a network server) to "receive and present a presentation information" would be merely one of several straightforward common knowledge possibilities at the priority date, from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed (see also the usage of PDAs and/or WAP devices used for the same or similar purpose in document

D2 §23-§24 or in documents: D3 or D5 (col.1 l.22-36, col.3 l.31 - col.4 l.8, col.9 l.6-l.11) or D6 and notice the indication in D1 that the CATVids program provides a "HTML Generator to quickly generate documents to be published on the Internet" - p.2 fifth bullet paragraph counting from the bottom of the page).

The solution proposed in claim 22 of the present application cannot therefore be considered as involving an inventive step (Article 33(3) PCT).

- 5.3 A similar conclusion could be drawn if document D9 were regarded as being the closest prior art to the subject-matter of claim 22, due to a similar minor difference between the subject-matter of claim 22 and the disclosure of document D9.

## 6 INDEPENDENT CLAIMS 29-31

Independent claims 29-31 appear to contain only corresponding features to those of claim 2 and therefore said independent claims do not meet the requirements of Article 33 (1)(2) PCT in respect of novelty for the same reasons as stated above.

## 7 DEPENDENT CLAIM 10

The subject-matter of claim 10 is not new in the sense of Article 33(2) PCT, and therefore the criteria of Article 33(1) PCT are not met.

Document D9 is regarded as being the closest prior art to the subject-matter of claim 10 and this document discloses all the features of claim 2 on which claim 10 is dependent (see above §3.2 and §4.2), as well as all the features introduced in claim 10, as follows:

- a) each of the objects is a content (e.g. audio or video on a CD or DVD disk - see D9 e.g. p.7 l.29 - p.8 l.2, p.11 l.10-14, p.16 l.1-7, p.25 l.8-11);
- b) the management device further comprises a playback unit operable to play back each content (see D9 p.3 l.12-31, p.8 l.6-18);

- c) the acquiring unit, when the playback unit plays back the content, reads a use content identifier assigned to the content from a recording medium recording therein the content (reading the "CD data shape" used as the identifier - see D9 p.7 l.29 - p.8 l.18, p.12 l.19-23, p.24 l.3-8 and p.24 l.20 - p.25 l.7);
- d) the storage unit stores read content identifiers as the use object identifiers (see D9 p.5 l.11-12, p.7 l.29 - p.8 l.2, p.19 l.21 - p.20 l.4, p.22 l.25 - p.23 l.4).

#### 8 DEPENDENT CLAIM 23

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 23 does not involve an inventive step in the sense of Article 33(3) PCT. This is due to the fact that the features introduced in said claim are disclosed in document D1, being considered the closest prior art to the subject-matter of said claim (claim 22, on which claim 23 is dependent, has been proved to lack inventive step over the disclosure of D1 above under §5.2). Namely, said features are represented by the "searching" feature of D1, which discloses that search is performed in all fields, thus including, e.g. the title or "Reference Number", - see D1 p.1 middle col. fourth paragraph l.2 and p.2 bullet "Find information quickly" (in the middle of p.2).

Note also that the same feature (indeed being a common knowledge functionality in computer-aided systems for cataloguing/inventory management) has been disclosed in D3, as part of a similar system, implemented on a portable terminal device (note the "Find" option in screen snapshots in D3 on p.1 and p.5 or/and the status determination option used e.g. "to quickly determine if you have seen a movie" (see D3 lower half of p.3).

Therefore, the subject-matter of claim 23 does not involve an inventive step in the sense of Article 33(3) PCT.

#### 9 DEPENDENT CLAIM 13

The subject-matter of claim 13 is not new in the sense of Article 33(2) PCT, over the disclosure of document D9 describing means for "scanning a bar code identifier (...)

imprinted on the CD or the CD package" (see D9 p.8 l.9-13), and thus the criteria of Article 33(1)(2) PCT are not met (cf. also §3.2 and §4.2 above).

**10 DEPENDENT CLAIMS 14-15, 25, 27**

10.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 14-15, 25 and 27 does not involve an inventive step in the sense of Article 33(3) PCT.

10.2 Document D1 is considered the closest prior art to the subject-matter of **claims 25 and 27** (claim 23; on which said claims are dependent, has been proved to lack inventive step over the disclosure of D1 above under §8).

The subject-matter of claims 25 and 27 further differs from this known from D1 in that the claimed device comprises "a reading unit operable to read each of the use object identifiers (...) from a medium that is on the object", said medium being either a RFID tag or a two-dimensional code, respectively.

The problem to be solved by the present invention may therefore be regarded as how to adapt the portable terminal device receiving information from said "management device", as would be obvious for the skilled person (cf. above §4.1, §5.2 and §8), to enable contactless automatic acquisition of identifiers of said "objects" (e.g. DVD or CD discs), without having to input any data manually.

The solution proposed in claims 25 and 27 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons. The features of furnishing commodities with RFID tags or two-dimensional codes and equipping a portable terminal with a suitable scanner to read them are merely ones of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed (both RFID tags and two-dimensional codes were in common use in the world at the priority date).

Note also that:

- said features have already been employed for the same purpose in a portable terminal device, see document D5 col.1 l.22-36, col.3 l.31 - col.4 l.8, col.4 l.39-l.42, col.7 l.62 - col.8 l.10) and/or
- portable terminals, running MS Windows operating system, equipped with such scanners have been even available on the market well before priority date of present application (see e.g. a product called PPT 2733, produced by Symbol Technologies, described in a leaflet dated December 2000, available on Internet under: [ftp://symstore.longisland.com/Symstore/pdf/PPT2733\\_34.pdf](ftp://symstore.longisland.com/Symstore/pdf/PPT2733_34.pdf)).

10.3 A similar conclusion as to lack of inventive step can be drawn for **claims 14-15** if document D1 were regarded as being the closest prior art to the subject-matter of said claims, for the same reasons as given above.

Alternatively, if document D9 were regarded as being the closest prior art to the subject-matter of said claims (cf. §9 above), the sole difference between the subject-matter of claims 14-15 and disclosure of D9 lies in usage of RFID tags or two-dimensional codes, respectively, instead of bar codes as disclosed in D9.

However, this slight constructional change comes within the scope of the customary practice followed by persons skilled in the art (both RFID tags and two-dimensional codes were in common use in the world at the priority date), especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of claims 14-15 lacks an inventive step also over the disclosure of D9.

## 11 DEPENDENT CLAIM 21

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 21 does not involve an inventive step in the sense of Article 33(3) PCT.

Document D3 is considered the closest prior art to the subject-matter of said claim (cf. §3.2 and §4.2 above to see how D3 anticipates the features of claim 2 on which claim 21 is dependent).



The difference between the subject-matter of claim 21 and the disclosure of D3 lies solely in features enabling the so called "location-dependent advertising" - a technique well known at the priority date. One of documents disclosing said features in the same purpose, context and result as the present application is D6 (see e.g. D6 sections 2-2.2 on p.200-202 and section 2.3.5, figs. 1-4, where the PSA server storing a list of products purchased by a user is regarded as the "management device" and the PSA (handheld device) presenting advertisements, examples of which are given on p.203 right col. 1.2-17, is regarded as the "presenting unit" in terms of claim 21).

It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to the system according to document D3, thereby arriving at a system according to claim 21. Said claim does not therefore involve an inventive step in the sense of Article 33(3) PCT.

**12 DEPENDENT CLAIMS 3-9, 11, 12, 16-20, 24, 26, 28**

Dependent claims 3-9, 11, 12, 16-20, 24, 26, 28, as far as they can be understood, do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT), since these features are either known from or suggested by the prior art (cf. D1 or D3 or D9) or specify merely common general knowledge in the technical field.